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**Admitted to practice in NY, N.D.N.Y., W.D.N.Y.,
2d & 4th Cir., U.S. Supreme Court*

July 11, 2023

Hon. Brenda K. Sannes
United States District Court
Northern District of New York
100 South Clinton Street
Syracuse, New York 13261

via CM/ECF

Re: Nadine Gazzola, et al. v. Gov. Kathleen Hochul, et al.
Case No. 1:22-cv-1134 (BKS/DJS)
2d Cir Case No. 22-3068

To the Hon. Brenda K. Sannes:

This letter is a request for a third extension of time to submit Plaintiffs' response to the State's motion to dismiss. The State's motion was made February 28, 2023. [51] The most recent text order extension of May 11, 2023 [55] designated July 20, 2023 for submission. To date, the Second Circuit Court of Appeals has not ruled on Plaintiffs' appeal of their motion for preliminary injunctive relief (argued March 20, 2023, in tandem with four related cases). It remains our position that a ruling on the arguments, as submitted, including, but not limited to, the "likelihood of success" of the claims, may impact our response and the Court's ruling on the State's FRCP 12(b)(6) motion.

I request a 60-day extension to September 12, 2023.

Ms. Cowan and I exchanged communication on point. She does not object to this request, provided that she would receive thirty days (30 days) to reply to my response to her motion. I do not object to this courtesy.

Respectfully submitted,
Paloma A. Capanna
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c.: Aimee Cowan, Esq., NYS Office of the Attorney General (via CM/ECF)
Timothy Mulvaney, Esq., NYS Office of the Attorney General (via CM/ECF)